

### **Remarks**

This communication is considered fully responsive to the Office Action. Claims 1-13 were examined. Claims 1-13 stand rejected. The status of claim 14 was not indicated in the Office Action. Claims 15-33 are withdrawn. Claims 1 and 14 are amended. No claims are canceled. New claims 34 and 35 have been added. Reexamination and reconsideration of the pending claims are respectfully requested.

### **Restriction Requirement**

Applicant elected claims 1-14 in response to the Restriction Requirement mailed October 1, 2007. It is noted, however, that only claims 1-13 were examined. Applicant believes this was an oversight by the Examiner and Applicant respectfully requests consideration of claim 14.

### **Claim Rejections - 35 U.S.C. 112**

The Office Action rejected claims 1-13 under 35 U.S.C. 112, second paragraph, as omitting essential steps, i.e., “determining a risk class for an order.” Applicant appreciates the Examiner’s suggestion and claim 1 is amended accordingly. Claims 2-13 were rejected as being dependent on claim 1.

The Office Action also rejected claims 1-13 under 35 U.S.C. 112, second paragraph, as being indefinite, i.e., not defining the terms “high risk”, “medium risk”, and “low risk.” The Office Action stated that the specification does not provide a standard for ascertaining the requisite degree, and one of

ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Applicant respectfully disagrees that one having ordinary skill in the art would be unable to ascertain the meaning of the terms “high risk”, “medium risk”, and “low risk” based on the teachings in the specification. The specification as originally filed goes into great detail as to how the terms “high risk”, “medium risk”, and “low risk” may be defined based on industry trends. See, e.g., page 11 (describing the use of the risk evaluator, eFalsen); page 16 (describing dollar thresholds which are indicative of risk); pages 16-17 (describing high risk regions, such as states or countries); page 17-18 (describing use of the card verification number and address verification code as an indication of risk); and page 20 (describing type of product as an indication of risk). See also, e.g., claims 6-9 further defining these recitations.

It is well-understood in the arts that specific risks will depend on a wide variety of factors, such as those described above, in addition to the particular industry and/or business implementing the module, and those having ordinary skill in the art will be sufficiently capable of assigning specific risks to each categories based on these and other factors well known in the industry.

#### **Claim Rejections - 35 U.S.C. 102(e)**

The Office Action rejected claims 1-6, and 8-13 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,714,918 to Hillmer, et al. (“Hillmer”). Applicant respectfully traverses this rejection.

Claim 1 is amended to recite “evaluating all outsourced orders as high risk orders based upon indicators of possible high risk activities; evaluating all outsourced orders as medium risk orders based upon indicators of possible medium risk activities; and evaluating all outsourced orders as low risk orders based upon indicators of possible low risk activities.” Hillmer fails to disclose each of these risk levels.

The Office Action side-stepped these recitations by saying the different risk levels were optional or conditional. See page 4 of the Office Action. However, the amendments make clear that these recitations are not optional and that all orders are evaluated according to the three different risk levels.

In addition, claim 1 is amended to add “outsourcing the order for placement in a separate queue from other orders for determining the risk for fraud.” (emphasis added). This recitation is supported by the specification as originally filed, e.g., as described on page 9. Hillmer fails to disclose at least these recitations.

The process described by Hillmer starts with computing a first and second score, and does not do any outsourcing. For at least the foregoing reasons claim 1 is believed to be allowable over the cited references and Applicant respectfully requests withdrawal of the rejection of claim 1.

Claims 2-13 depend from claim 1, which is believed to be allowable. Therefore, claims 2-13 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 2-13 is respectfully requested.

New claims 34 and 35 include further recitations which are not believed to be disclosed or taught by Hillmer. These recitations are also supported by the specification as originally filed, e.g., as described on page 9.

Although claim 14 was not rejected by the Office Action, Applicant notes that claim 14 is also amended to recite “means for outsourcing the order for placement in a separate queue from other orders for determining the risk for fraud”. These recitations are also not believed to be disclosed or taught by Hillmer.

**Claim Rejections - 35 U.S.C. 103(a)**

The Office Action rejected claims 7 and 9 under 35 U.S.C. 103(a) as being unpatentable over Hillmer. Applicant respectfully traverses this rejection.

Claims 7 and 9 depend from claim 1, which is believed to be allowable. Therefore, claims 7 and 9 are also believed to be allowable for at least the same reasons as claim 1. Withdrawal of the rejection of claims 7 and 9 is respectfully requested.

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PATENT APPLICATION

ATTORNEY DOCKET NO. 100202702-1

Inventor(s): Richard York  
Application No.: 10/716,067  
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Confirmation No.: 4783  
Examiner: HEWITT, Calvin  
Group Art Unit: 3600

Title: Order Risk Determination

Mail Stop Amendment  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Transmitted herewith is/are the following in the above-identified application:

- ☒ Response/Amendment  
☐ New fee as calculated below  
☒ No additional fee  
☐ Other

- ☐ Petition to extend time to respond  
☐ Supplemental Declaration

Fee\$

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X \$50	\$ 0
INDEP. CLAIMS		MINUS		= 0	X \$210	\$ 0
<input type="checkbox"/> FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$370	\$ 0
EXTENSION FEE	<input type="checkbox"/> 1st Month \$120	<input type="checkbox"/> 2nd Month \$460	<input type="checkbox"/> 3rd Month \$1050	<input type="checkbox"/> 4th Month \$1640		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

Respectfully submitted,  
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